



HON. SYLVIA O. HINDS-RADIX
Corporation Counsel

THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, N.Y. 10007

JEFFREY F. FRANK
Assistant Corporation Counsel
Email: jeffrank@law.nyc.gov
Cell: (929) 930-0780
Tel: (212) 356-3541

June 1, 2023

VIA ECF

Honorable Paul A. Crotty
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: *Steven Greene, et al. v. City of New York, et al.*, 21 Civ. 5762 (PAC)

Your Honor:

I am an Assistant Corporation Counsel in the Office of the Hon. Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York, and one of the attorneys representing defendants City of New York, Eric Adams, Bill de Blasio, Keechant Sewell, Dermot Shea, P.O. Martin Haber, P.O. Carrku Gbain, P.O. Vikram Prasad, P.O. Andre Dawkins, P.O. Tyrone Fisher, P.O. Devindra Ramayya, P.O. Julian Torres, P.O. April Sanchez, and P.O. Gabriele Morrone (collectively "Defendants") in the above-referenced matter. No conference is presently scheduled in this case.

Defendants write to respectfully request that the Court enlarge: (i) defendants' time to file their motion to dismiss the second amended complaint ("SAC") by eleven (11) days, from June 5, 2023, until June 16, 2023; and (ii) the page limit set forth in the Court's Individual Practices from 25 to 32 pages for defendants' Memorandum of Law in support of the aforementioned motion. Plaintiffs do not object to either request, and each is the first such request by defendants with respect to their forthcoming motion.

6/2/2023

*The request set forth by 3 * is granted*
Reviewed
Paul H. Hinds
JFH

By way of background, on May 26, 2023, with defendants' consent, plaintiffs requested that the Court revise the other two deadlines in the briefing schedule: those for their opposition and defendants' reply. (ECF No. 168). On May 30, 2023, the Court granted plaintiffs' request, extending the opposition deadline until July 17, 2023, and the reply deadline until August 14, 2023. (ECF No. 169).

The enlargement requested herein is necessary to accommodate the schedules of the two attorneys representing the defendants in this matter. Senior Counsel Alan H. Scheiner is handling *Mark Nunez v. City of New York, et al.*, 11-CV-5845 (LTS), where the defendants recently received an Order requiring immediate attention through June 13, 2023. (ECF No. 535 in 11-CV-5845). Further, beginning June 20, 2023, Mr. Scheiner is scheduled to conduct a jury trial in the matter of *Lambros Vassiliou v. City of New York, et al.*, 18-CV-0779 (EK) (VMS), in the Eastern District of New York, and will be engaged in trial preparation during much of the next two weeks. Additionally, the undersigned counsel has an intervening briefing deadline in another matter on June 9, 2023, and will be out of the office starting June 14, 2023, for his wedding. For all these reasons, and without opposition from plaintiffs, defendants respectfully request that the Court enlarge their time to file their motion to dismiss the SAC, from June 5, 2023, until June 16, 2023.

Defendants further request that the Court grant leave to file seven (7) excess pages in the Memorandum of Law in support of their motion to dismiss the SAC. This enlargement of the Court's page limit is necessary for several reasons. First, the SAC is 89 pages long and includes 501 paragraphs. (ECF No. 155). Hence, the additional pages requested herein are necessary to enable defendants to fully air their arguments regarding the sufficiency of plaintiffs' factual allegations. Second, the SAC is brought by six (6) individual plaintiffs and four (4) organizational plaintiffs who, together, allege six (6) separate incidents and seven (7) causes of action, and request

certification of a class action, injunctive relief, and damages. (*Id.*) The requested enlargement of the Court's page limit is necessary to allow defendants a full and fair opportunity to brief the issues relating to their motion under Fed. R. Civ. P. 12(b)(1)&(6).

Accordingly, without opposition from plaintiffs, defendants respectfully request that the Court enlarge: (i) their time to file their motion to dismiss until June 16, 2023; and (ii) the page limit for their opening brief from 25 to 32 pages.¹

Defendants thank the Court for its consideration of this matter.

Respectfully submitted,



Jeffrey F. Frank
Assistant Corporation Counsel
Special Federal Litigation Division

cc: Plaintiffs' Counsel (via ECF)

¹ As of May 31, 2023, one of plaintiffs' counsel advised the undersigned that plaintiffs do not intend, at this time, to seek an extension of their time to file their opposition. Counsel further advised that plaintiffs do not presently intend to request the Court's leave to file excess pages in their opposition. Of course, should plaintiffs timely seek such relief after reviewing the forthcoming motion, defendants would consent to a corresponding request by plaintiffs.